

### **REMARKS**

Claims 1-16 are pending in the present application. Claims 1, 6, 7, 9, 14 and 15 have been amended.

### **IMPROPER FINALITY OF CURRENT OFFICE ACTION**

In the Amendment dated January 31, 2005, independent claims 1 and 9 were amended merely to improve antecedent and form. Independent claims 1 and 9 were not amended in the Amendment dated January 31, 2005, to substantively change claim scope.

In the current Office Action dated March 30, 2005, claims 1-5 and 9-13 have been rejected under 35 U.S.C. 102(b) as being anticipated by the **newly relied upon** Morris reference (U.S. Patent No. 6,064,229). On page 5 of the current Office Action dated March 30, 2005, the Examiner has concluded that the current Office Action has been made final, without acknowledging the new grounds of rejection.

As set forth in Manual of Patent Examining Procedure Section 706.07(a):

“Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant’s amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).”

As noted above, in the Amendment dated January 31, 2005, claims 1 and 9

were not amended to substantively change claim scope. Claims 1 and 9 were amended merely to improve antecedent and form. As such, the amendments to claims 1 and 9 in the Amendment dated January 31, 2005, did not necessitate the new grounds of rejection in view of the Morris reference. Applicant therefore respectfully submits that the finality of the current Office Action dated March 30, 2005, is premature and improper. Since the finality of the current Office Action is premature, Applicant has been denied full and fair hearing, and clear issues have not been developed prior to Appeal. Applicant thus respectfully requests that the finality of the current Office Action be withdrawn, and that the claim amendments as filed concurrently herewith be entered as a matter of right.

**In the event that the finality of the current Office Action dated March 30, 2005 is maintained, the Examiner is respectfully requested to establish on the record how the Amendment dated January 31, 2005, and in particular the amendments to claims 1 and 9, necessitated the new grounds of rejection.**

#### **Claim Rejections-35 U.S.C. 102**

Claims 1-5 and 9-13 have been rejected under 35 U.S.C. 102(b) as being anticipated by the Morris reference (U.S. Patent No. 6,064,229). This rejection, insofar as it may pertain to the presently pending claims, is traversed for the following reasons.

The voltage level shifting circuit of claim 1 includes in combination a first power supply node; a second power supply node; a third power supply node; a signal input

circuit; a complimentary signal input circuit; a load circuit; a first voltage down-converting circuit; a third MOS transistor; a fourth MOS transistor “which is coupled between the first power supply node and the output node, which has the first withstand voltage, which has a gate directly coupled to one of the complimentary signals, and which electrically connects the first power supply node to the output node in response to the voltage potential of the one of the complimentary signals”; and a second voltage down-converting circuit. Applicant respectfully submits that the Morris reference as relied upon by the Examiner does not disclose these features.

The Examiner has interpreted MOS transistor N10 in Fig. 2 of the Morris reference as the fourth MOS transistor of claim 1. However, the gate of MOS transistor N10 in Fig. 2 of the Morris reference is directly coupled to node 24 (gates of MOS transistors P2 and P4, and S/D of MOS transistors P3 and N7). The gate of MOS transistor N10 in Fig. 2 of the Morris reference is not directly coupled to one of complimentary signals provided by a signal input circuit. Applicant therefore respectfully submits that the voltage level shifting circuit of claim 1 distinguishes over the Morris reference as relied upon by the Examiner, and that this rejection, insofar as it may pertain to claims 1-5, is improper for at least these reasons.

The voltage level shift circuit of claim 9 includes in combination a first power supply node; a second power supply node; a third power supply node; a signal input circuit; a complimentary signal input circuit; a load circuit; a first voltage descending circuit; a third MOS transistor; a fourth MOS transistor “which is coupled between the

first power supply node and the output node, which has a first withstand voltage, which has a gate directly coupled to one of the complimentary signals, and which electrically connects the first power supply node to the output node in response to the voltage potential of the one of the complimentary signals"; and a second voltage descending circuit.

Applicant respectfully submits that the Morris reference as relied upon by the Examiner does not disclose a fourth MOS transistor as featured in claim 9. Accordingly, Applicant respectfully submits that the voltage level shift circuit of claim 9 distinguishes over the Morris reference as relied upon by the Examiner, and that this rejection, insofar as it may pertain to the claims 9-13, is improper for at least somewhat similar reasons as set forth above with respect to claim 1.

#### **Allowable Subject Matter**

Applicant respectfully notes the Examiner's acknowledgment that claims 6-8 and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 6, 7, 14 and 15 have been amended to be in independent form responsive to the acknowledgement of allowable subject matter, merely to advance prosecution of this application. The Examiner is therefore respectfully requested to acknowledge that claims 6-8 and 14-16 are allowed.

**Conclusion**

As noted above, the finality of the current Office Action dated March 30, 2005, is improper. The Examiner is thus respectfully requested to enter this Amendment as a matter of right.

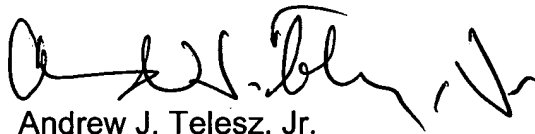
The Examiner is further respectfully requested to reconsider and withdraw the corresponding rejection, and to pass the claims of the present application to issue, for at least the above reasons.

In the event that there are any outstanding matters remaining in the present application, please contact Andrew J. Telesz, Jr. (Reg. No. 33,581) at (571) 283-0720 in the Washington, D.C. area, to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment for any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-0238.

Respectfully submitted,

VOLENTINE FRANCOS & WHITT, P.L.L.C.

A handwritten signature in black ink, appearing to read 'Andrew J. Telesz, Jr.', with a stylized flourish at the end.

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